

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 MAY -9 PM 5:09

ROBERT R. *[Signature]*
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W.D. OF TN. MEMPHIS

Carstella Conner, as Administratrix of the
Estate of Cassoway Cotton, and on behalf of
the wrongful death beneficiaries of Cassoway
Cotton,

Plaintiff,

v.

Kindred Healthcare, Inc.;
Kindred Nursing Centers Limited
Partnership d/b/a Spring Gate
Rehabilitation and Healthcare Center;
Kindred Healthcare Services, Inc.;
Kindred Healthcare Operating, Inc., and
Renee B. Tutor, in her capacity as
Administrator of Spring Gate
Rehabilitation and Healthcare Center

Defendants.

No. 2:05-cv-02043-JDB-dkv
Jury Demanded

ORDER ON PLAINTIFF'S MOTION FOR STAY

This action came on hearing before the Court, Honorable J. Daniel Breen, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

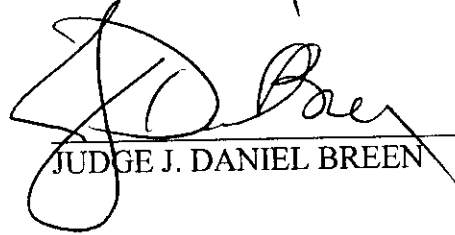
It is Ordered and Adjudged:

Pursuant to 28 U.S.C. § 1447, Plaintiff timely filed a motion for remand of this action to state court. The motion to remand, as a preliminary challenge to the jurisdiction of this Court, must be considered prior to resolution of any pending motion requiring the

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exercise of subject matter jurisdiction. Thus, consideration of any other pending motion, including Defendants' *Motion to Dismiss or in the Alternative for Summary Judgment*, will be stayed pending a decision on the motion to remand.

Dated at Memphis, Tennessee this 9th day of May, 2005.



JUDGE J. DANIEL BREEN



Notice of Distribution

This notice confirms a copy of the document docketed as number 22 in case 2:05-CV-02043 was distributed by fax, mail, or direct printing on May 11, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT